

influence of liquor/alcoholic beverage, to the extent that control of the person's faculties is impaired shall be guilty of a violation of this ordinance.

.03 Consuming Liquor/Alcohol in Public Conveyance—Any person engaged wholly or in part in the public conveyance business of carrying passengers for hire and every agent, servant, or employee or such person, who knowingly permits any person to drink any liquor/alcohol in any vehicle that carries passengers for hire, while such vehicle is on Tribal land, shall be guilty of a violation of this ordinance. Any person who drinks any liquor/alcohol in any vehicle that carries passengers for hire, while such vehicle is on Tribal land, shall be guilty of a violation of this ordinance.

.04 Liquor/Alcohol may not be given as a prize, gift, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind.

#### **Section 8.00—Enforcement and Jurisdiction**

.01 Enforcement—The Tribe through its Tribal Council and Bishop Paiute Tribal Court (Tribal Court) and duly authorized security personnel, shall have the authority to enforce this Ordinance which shall include confiscating any liquor/alcohol manufactured, introduced, sold or possessed located on Tribal Lands in violation of this ordinance. The Tribal Council shall be empowered to sell confiscated liquor/alcohol for the benefit of the Tribe after receiving Tribal Court approval, and to develop and approve such regulations as may become necessary for the enforcement of this Ordinance.

.02 Jurisdiction—Any violations of this ordinance shall constitute a public nuisance under Tribal law. It shall be the Tribal Council or its duly authorized security personnel who may initiate and maintain an action in the Tribal Court to abate and permanently enjoin any nuisance declared under this ordinance and to enforce any and all provisions and penalties under this ordinance. The Tribal Council shall authorize and implement the development of Court rules and procedures that will ensure due process as to all Tribal Court proceedings under this ordinance. Any actions taken under this section 8 may be in addition to any other penalties provided in this ordinance or adopted by the Tribal Council from time to time. This ordinance when approved by the United States Department of the Interior and published in the **Federal Register** shall fall under the jurisdiction of the Tribal Court.

.03 General penalties—The Tribe through the Tribal Court may implement monetary fines not to exceed \$500 for each violation and/or causing the suspension or revocation of a liquor/alcohol license. The Tribal Court may adopt by resolution a separate schedule of fines for each type of violation, taking into account its seriousness and the threat it may pose to the general health and welfare of tribal members. This schedule will include violations for repeat offenders. Any penalties provided herein shall in addition to any criminal penalties, which may be imposed by the Tribal Court through an adopted separate ordinance that conforms to federal law.

.04 Conflicting provisions—Whenever any conflict occurs between the provisions of this ordinance or the provisions of any other ordinance of the Tribe, the stricter of such provisions shall apply.

.05 Severability—If any provision or application of this ordinance is determined invalid such determination shall not invalidate the remaining portions of this ordinance.

#### **Section 9.00—Limited Waiver of Sovereign Immunity**

By enacting this ordinance, the Tribe does not waive, or limit or modify its sovereign immunity from unconsented suit or any other judicial or administrative proceeding except as specifically provided herein.

The Tribe agrees and grants a limited waiver of its sovereign immunity solely for the purpose of authorizing the State of California through or on behalf of the California State Department of Alcohol Beverage Control or any other appropriate sState agency to bring an action in courts of appropriate jurisdiction with the State of California or California State Administrative Proceedings, for the purpose of providing the State of California with remedies to enforce all laws, rules, regulations and rights the state has relating to the issuance of a liquor/alcohol beverage license to the Tribe.

#### **Section 10.00—Revocation/Suspension of License**

The Tribal Council may revoke or suspend the license for reasonable cause after providing the licensee with notice and an opportunity to participate in a hearing at which time the licensee is given an opportunity to respond to any claims against it alleging a violation of this Ordinance, and to demonstrate why the license should not be revoked or suspended. Any determination of the Tribal Council concerning revocation or suspension of a license is final. The

Tribal Council shall direct its authorized representatives to prepare appropriate rules of procedure concerning how a revocation/suspension hearing is to be held and the form of notice to be given to a licensee subject to potential revocation or suspension of its license.

#### **Section 11.00—Inspection of Licensed Premises**

The premises on which liquor is sold or distributed shall be open for inspection by the Tribal Council and/or its authorized representative with respect to the enforcement of this Ordinance at all reasonable times for the purpose of ascertaining whether the rules and regulations of the Tribal Council and this Ordinance are being complied with.

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### **DEPARTMENT OF THE INTERIOR**

#### **Bureau of Indian Affairs**

#### **Extending Scoping Period To Prepare a Programmatic Environmental Impact Statement (EIS) for the Navajo Nation Integrated Weed Management Plan Within Coconino, Navajo, and Apache Counties, AZ; McKinley, San Juan, McGill, and Cibola, Counties, NM; and San Juan County, UT**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is extending the public scoping period to prepare an EIS for the Navajo Nation Integrated Weed Management Plan on the Navajo Indian Reservation.

**DATES:** Scoping comments are due on March 20, 2013.

**FOR FURTHER INFORMATION CONTACT:** Renee Benally at (928) 283–2210; email: [renee.benally@bia.gov](mailto:renee.benally@bia.gov).

**SUPPLEMENTARY INFORMATION:** The BIA published a Notice of Intent in the **Federal Register** on January 14, 2013, (78 FR 2685) and ended the scoping comment period on February 28, 2013. The BIA is extending the comment period to March 20, 2013. Please refer to the January 14, 2013, (78 FR 2685) Notice of Intent for project details and commenting instructions.

Dated: February 28, 2013.

**Kevin K. Washburn,**  
*Assistant Secretary—Indian Affairs.*

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